

No. 9/5/84-6 Lab/6784.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Sunrise Rubber Industries, Patodi Road, Gurgaon :—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 293 of 1985

between

SHRI UMESH PARSHAD, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
M/S SUNRISE RUBBER INDUSTRIES, PATODI ROAD, GURGAON

Present :—

Shri Rishi Parkash for the workman.

Shri Sham Sunder along with Shri S.K. Goswami for the management.

AWARD

This industrial dispute between the workman Shri Umesh Parshad and the respondent-management of M/s Sunrise Rubber Industries, Patodi Road, Gurgaon, has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/107-84/23527—31, dated 31st May, 1985, under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Umesh Parshad, was justified and in order? If not, to what relief is he entitled?

The parties have settled the dispute in the presence of Labour Officer, Gurgaon. The photo copy of the settlement is Exhibit M-1. According to the settlement, Ex. M-1 and the statement of the representative of the workman, the workman has received the some amount in full and final settlement of all his claims. No dispute of any kind whatsoever is pending between the claimant and the management. Hence the award is given that the dispute has been fully settled.

Dated, the 2nd August, 1985.

R. N. SINGAL,
Presiding Officer,
Labour Court,
Faridabad.

Endst. No 2236, dated the 6th August, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court,
Faridabad.

No. 9/5/84-6Lab/6971.—In pursuance of provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Haryana Tourism Corporation Ltd., Badkhal, Faridabad and its workmen :—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 479/1983

between

THE MANAGEMENT OF M/S HARYANA TOURISM CORPORATION LTD., BADKHAL,
FARIDABAD AND ITS WORKMEN

Present :—

None.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947, the Governor of Haryana referred the following dispute between the Management of M/s Haryana Tourism Corporation Ltd., Badkhal, Faridabad, and its workmen, to this Tribunal for adjudication:—

(1) Whether the attendance cards should be issued to the workmen? If so, with what details?

(2) Whether the identity cards should be supplied to the workmen? If so, with what details?

2. Notices were issued to both the parties. It may be mentioned that on 20th July, 1985, none appeared on behalf of the workmen even though they were represented previously and as such *ex parte* proceedings were ordered against them. On the last date of hearing none appeared on behalf of the management even though they were represented previously and as such *ex parte* proceedings were ordered against them. It appears that both the parties are not interested in the reference. The award is passed accordingly,

Dated, the 12th August, 1985.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 632, dated the 13th August, 1985

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

-Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/5/84-6Lab/6972.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Haryana Rural Industry, Village & P. O. Bhakri (Pali Faridabad):—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 225 of 1982

between

SHRI TEK CHAND, WORKMAN AND THE MANAGEMENT OF HARYANA RURAL INDUSTRY, VILLAGE AND P. O. BHAKRI (PALI FARIDABAD)

Present:—

Shri P. M. Gupta for the workman.

None for the management

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Tek Chand, workman and the management of M/s. Haryana Rural Industry, Village and P. O. Bhakri (Pali Faridabad), to this Tribunal for adjudication:—

Whether the termination of service of Shri Tek Chand was justified and in order? If not to what relief is he entitled?

2. Notices were issued to both the parties. The claimant in his demand notice, dated 5th April, 1982, alleged that he had been working in the factory for one year and getting a salary, of Rs 450 per month but his services were terminated illegally on 1st April, 1982 and as such, he was entitled to reinstatement with full back wages.

3. The management in their written statement filed on 6th September, 1982 pleaded that the claimant tendered his resignation and settled his accounts. Issues were framed on 28th September, 1982 and the management examined, Shri Shyam Sunder, Partner of the respondent as MW-1 and MW-2, Shri Som Nath Aggarwal, Handwriting and Finger Prints Expert and tendered the documents Exhibits M-1 to M-10. The case was fixed for remaining evidence of the management, but ultimately none appeared on their behalf on 30th April, 1985 and *ex parte* proceedings were ordered against the management. WW-1 Shri Tek Chand claimant has deposed that he was appointed as Moulder on 1st April, 1981 at Rs 550 per month, but was turned out by the Management on 1st April, 1982 in an illegal manner and no enquiry was held against him. He further stated that his wages for March, 1982 had not been paid regarding which he had filed the petition, but the amount had not been paid so far by the management. He further stated that he did not tender resignation and that alleged letter of resignation Exhibit M-1 did not bear his signatures. He further stated he had not affixed his signatures on Exhibit M-3 and had not received Rs 373.35 paise. He further stated that he had not affixed his signatures at Mark Q-1 and Q-2 on the document Exhibit M-3. He then stated that he be reinstated with full back wages. The testimony of WW-1, Shri Tek Chand claimant stands unrebutted because the management did not appear since 30th April, 1985. The claimant has deposed that he did not tender his resignation and that the alleged letter of resignation did not bear his signatures and that document Exhibit M-3 had not been signed by him and further that he had not received the sum of Rs 373.35 on the basis of this document. The testimony of MW-1 Shri Shyam Sunder Partner of the respondent-management to the effect that the claimant had signed this document and the testimony of MW-2 Shri Som Nath Aggarwal, Handwriting Expert does not help the management because Shri S. K. Dhadesha, who had attested the document Exhibit M-3, has not been produced by the management in the witness-box while the version of the claimant stands unrebutted. The claimant had served the respondent for one year, but since no notice pay or compensation was given to him, therefore, the provisions of section 25-F of the Industrial Disputes Act, 1947, have not been complied with. Consequently, the termination of service of the claimant is neither justified nor proper and as such the claimant is entitled to reinstatement with full back wages. The award is passed accordingly.

Dated, the 12th August, 1985.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 633, dated the 13th August, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 23rd August 1985

No. 9/5/84-6Lab./6881.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and management of M/s. Alankar Printing, Mahavir Park, Bahadurgarh :—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 50 of 1985

between

SMT. KRISHNA KUMARI AND THE MANAGEMENT OF M/S ALANKAR PRINTING,
MAHAVIR PARK, BAHADURGARH

None for the workman.

Shri M. Kaushal, A.R., for the respondent.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of this Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Smt. Krishna Kumari and the management of M/s. Alankar Printing, Mahavir Park, Bahadurgarh, to this Court, for adjudication—vide Labour Department Gazette Notification No. 14799—804, dated 9th April, 1985 :—

Whether the termination of service of Smt. Krishna Kumari, is justified and in order ? If not, to what relief is she entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The respondent appeared but the workman did not. The claim of the workman is that she was employed with the respondent for the last about 8 years but the respondent terminated her services without any lawful excuse and gross violation of the provisions of the Industrial Disputes Act, 1947.

3. As already observed, the workman did not appear in spite of service through registered A.D. Under the circumstances, the only inference possible is that she is not interested in prosecution of this reference. So, the same is answered and returned accordingly. There is no order as to cost.

Dated the 18th July, 1985.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

Endst. No. 50-85/1154, dated 7th August, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-Lab/6882.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Rawal Industries Private Limited, Jhajjar Road, Bahadurgarh :—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 151 of 80

between

MISS SAROJ SHARMA, WORKMAN AND THE MANAGEMENT OF M/S RAWAL INDUSTRIES, PRIVATE LIMITED, JHAJJAR ROAD, BAHADURGARH

Present:—

Shri Dhan Singh, A. R. for the workmen.

Shri Sudhir Chadha, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Miss Saroj Sharma and the management of M/s. Rawal Industries Private Limited, Jhajjar Road, Bahadurgarh to this Court, for adjudication,—vide Labour Department Gazette Notification No. ID/RTK/54-80/34630, dated 26th June, 1980:—

Whether the termination of services of Miss Saroj Sharma was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent on monthly wages of Rs. 155/- per month and that on his demand for implementation of minimum wages notification, the respondent abruptly terminated his services on 10th January, 1980 in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the management, the claim of the workman has been controverted *in toto*.

4. Before any evidence could be adduced by the management, happily a settlement was arrived at incorporated in the settlement deed Ex. S-1, under which, the management has agreed to pay a sum of Rs. 1,000/- in full and final settlement of her claim. So, nothing survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

B. P. JINDAL,

Dated, the 19th July, 1985.

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

Endst. No. 151-80/1155, dated, 7th August, 1985.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour & Employment Departments Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

No. 9/5/84-6Lab/6883.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Rawal Industries Pvt. Ltd., Jhajjar Road, Bahadurgarh :—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 123 of 83

between

SHRIMATI RAJ BALA DEVI, WORKMAN AND THE MANAGEMENT OF M/S RAWAL INDUSTRIES PVT. LTD., JHAJJAR ROAD, BAHADURGARH

Shri Dhan Singh, A.R. for the workman,

Shri Sudhir Chadha, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shrimati Raj Bala Devi and the management of M/s. Rawal Industries Pvt. Ltd., Jhajjar Road, Bahadurgarh to this Court, for adjudication,—*vide* Labour Department Gazette Notification No. ID/44487—92, dated 29th August, 1982 :—

Whether the termination of services of Shrimati Raj Bala Devi, was justified and in order ? If not, to what relief is she entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that she was employed with the respondent for the last many years and that the respondent did not allow her to join her duties on 21st August, 1982, regarding which a complaint was filed by her with the Labour Authorities but without any result and in this way the management has unlawfully terminated her services in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the management, the claim of the workman has been controverted *in toto*,

4. On the pleadings of the parties, the following issues were settled for decision on 19th September, 1984 :—

- (1) Whether the reference is bad in law in view of the preliminary issue No. 2 in the Written Statement ?
- (2) Whether the termination of service of Shrimati Raj Bala Devi was justified and in order ? If not, to what relief is she entitled ?

5. Before any evidence could be adduced, happily, a settlement was arrived at incorporated in the settlement deed Ex. S-1, under which, the management has agreed to pay a sum of Rs 7,000 in full and final settlement of her claim. So, nothing survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

Dated, the 19th July, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

Endst. No. 123-83/1156, dated the 7th August, 1985

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947. —

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

No. 9/5/84-6Lab/6884.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management M/s B. K. & Co. C/o. H.N.G. Industries Ltd., Bahadurgarh :—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 242 of 83

between

SHRI SURESH KUMAR, WORKMAN AND THE MANAGEMENT OF M/S B. K. & CO.
C/O H. N. G. INDUSTRIES LTD., BAHADURGARH

Present:—

None for the workman.

Shri M. Kaushal, A. R. for the respondent.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Suresh Kumar and the management of M/s B. K. & Co. C/o H.N.G. Industries Ltd., Bahadurgarh, to this Court, adjudication,—vide Labour Department Gazette Notification No. 60343—48, dated 17th November, 1983 :—

Whether the termination of services of Shri Suresh Kumar was justified and in order? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent as a Labourer for the last about three years on monthly wages of Rs 346, but the respondent choose to terminate his services w.e.f. 30th June, 1982 without any prior notice or payment of any retrenchment compensation.

3. In the reply filed by the respondent, the claim of the workman has been controverted in toto. Pleas projected need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were settled for decision on 12th October, 1984 :—

- (1) Whether a valid and proper enquiry was conducted by the respondent ? OPR.
- (2) Whether the reference is bad in law ?

3. Whether the applicant remained gainfully employed after termination?
4. Whether the termination of services of Shri Sureh Kumar is justified and in order? If not, to what relief is he entitled?
5. Before any evidence could be adduced by the workman absented, the only inference possible is that the workman is not interested in prosecution of this reference. The same is dismissed and answered accordingly. There is no order as to cost.

Dated, the 19th July, 1985.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

Endst. No. 242/83/1157, dated the 7th August, 1985

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

No. 9/5/84-6Lab/6885.—In pursuance of the provisions of Section 17 of Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Ajay Udyog (P) Ltd., Bahadurgarh.

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 30 of 84

between

SHRI VIRENDER SINGH, WORKMAN AND THE MANAGEMENT OF M/S. AJAY UDYOG (P) LTD., BAHADURGARH

Present:—

Shri Chander Singh, A.R. for the workman.

None, for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Virender Singh and the management of M/s Ajay Udyog (P) Ltd., Bahadurgarh, to this Court, for adjudication,—vide Labour Department Gazette Notification No. 13229—34, dated the 29th March, 1984:—

Whether the termination of services of Shri Virender Singh, is justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference notices were issued to the parties. The workman appeared but the respondent did not inspite of service through registered A.D. So, *ex parte* proceedings order was passed against the respondent by me. The claim of the workman is that he was employed with the respondent in a permanent capacity for the last about 1½ years but the respondent choose to terminate his services unlawfully on 18th Novemr, 1983 in gross violation of the provisions of the Industrial Disputes Act, 1947.

3. The case was adjourned many times for recording *ex parte* evidence of the workman but the workman did not appear. Today Shri Chander Singh has made a statement that the whereabouts of the workman are not known to him, who is not forthcoming to prosecute the reference. The only inference possible is that the workman is not interested in prosecution of the reference an as such the same is dismissed for the non-prosecution and answered accordingly.

Dated, the 19th July, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

Endorsement No. 30-84/1158, dated the 7th August, 1985

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.